

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
TIG INSURANCE COMPANY

Plaintiff

v.

THE FAIRCHILD CORPORATION, et al.  
Defendants.

CASE NO. 1:07-cv-08250-(JGK)

ECF case

**MOTION FOR ADMISSION PRO HAC**  
**VICE OF STEVEN G. JANIK AND**  
**CRYSTAL L. NICOSIA**

PLEASE TAKE NOTICE that Defendant National Union Fire Insurance Company of Pittsburgh, Pa. ("National Union"), by its underlying counsel, pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Michael C. Modansky, a member in good standing of the bar of this Court, respectfully moves the Court for an Order allowing the admission pro hac vice of: Steven G. Janik and Crystal L. Nicosia in this particular case .:

Steven G. Janik and Crystal L. Nicosia  
Janik, Dorman & Winter LLP  
9200 South Hills Blvd., Suite 300  
Cleveland, Ohio 44147  
(440) 838-7600 (phone)  
(440) 838-7601 (fax)  
[Steven.Janik@janiklaw.com](mailto:Steven.Janik@janiklaw.com); [Crystal.Nicosia@janiklaw.com](mailto:Crystal.Nicosia@janiklaw.com)

Steven G. Janik is a member in good standing of the Bar of the States of Ohio, California, Maryland, and the District of Columbia. Crystal L. Nicosia is a member in good standing of the Bar of the State of Ohio. There are no pending disciplinary proceedings against Steven G. Janik or Crystal L. Nicosia in any State of Federal court.

An Affidavit in support with exhibits (Certificates and Proposed Order) are attached.

Respectfully submitted,

MICHAEL C. MODANSKY, ESQ.(MM7537)  
BIVONA & COHEN P.C.  
88 Pine Street

MAR 12 2008

FILED  
U.S. DISTRICT COURT  
S.D. OF N.Y.  
2008 MAR 12 PM 3:54

Wall Street Plaza  
New York, New York 10006-1886  
(212) 363-3100 • Fax (212) 363-9824  
Email: [michael.modansky@bivonacohen.com](mailto:michael.modansky@bivonacohen.com)

*Attorney for Defendant National Union Fire  
Insurance Company of Pittsburg, Pa.*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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**AFFIDAVIT OF MICHAEL MODANSKY**  
**IN SUPPORT OF MOTION FOR**  
**ADMISSION *PRO HAC VICE* OF STEVEN**  
**G. JANIK AND CRYSTAL L. NICOSIA**

STATE OF NEW YORK )

)

ss:

COUNTY OF NEW YORK )

Michael C. Modansky, being duly sworn, hereby deposes and says as follows:

1. I am a member of the law firm of Bivona & Cohen P.C., counsel for Defendant National Union Fire Insurance Company of Pittsburg, Pa. ("National Union") in the above captioned action. I am familiar with the proceedings in this case. I make this affidavit based on my personal knowledge of the facts set forth herein and in support of defendant National Union's Motion to Admit Steven G. Janik and Crystal L. Nicosia as counsel *pro hac vice* to represent National Union in this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law on June 24, 1975. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I have known Steven G. Janik for a number of years and have known Crystal L. Nicosia since inception of this lawsuit.

4. Mr. Janik is a Senior Partner at Janik, Dorman & Winter in Cleveland, Ohio annexed hereto as Exhibit A are Certificates of Good Standing for Mr. Janik from the Courts of the States of Ohio, California, Maryland and the District of Columbia.

5. Ms. Nicosia is a Senior Associate at Janik, Dorman & Winter in Cleveland, Ohio. Annexed hereto as Exhibit B is a Certificate of Good Standing for Ms. Nicosia from Courts of the State of Ohio.

6. I have found Mr. Janik and Ms. Nicosia to be skilled attorneys and persons of integrity and high moral character. They are experienced in Federal practice and are familiar with the Federal Rules of Procedure.


7. Accordingly, I am pleased to move for the admission of Steven G. Janik and Crystal L. Nicosia, *pro hac vice*.

8. I respectfully submit a proposed order granting the admission of Steven G. Janik and Crystal L. Nicosia, *pro hac vice*, which is attached hereto as Exhibit C.

WHEREFORE it is respectfully requested that the motion to admit Steven G. Janik and Crystal L. Nicosia, *pro hac vice*, to represent National Union in the above captioned matter, be granted.

Sworn to before me this  
11<sup>th</sup> day of March 2008.

MICHAEL J. SLEVIN  
Notary Public, State of New York  
No. 02SL4873185  
Qualified in Nassau County  
Commission Expires 09/15/2008

  
MICHAEL C. MODANSKY, ESQ.  
BIVONA & COHEN P.C.  
88 Pine Street  
Wall Street Plaza  
New York, New York 10006-1886  
(212) 363-3100 • Fax (212) 363-9824  
Email: [michael.modansky@bivonacohen.com](mailto:michael.modansky@bivonacohen.com)

*Attorney for Defendant National Union Fire  
Insurance Company of Pittsburg, Pa.*

# The Supreme Court of Ohio

## C E R T I F I C A T E

I, SUSAN B. CHRISTOFF, Director of the Attorney Services Division of the Supreme Court of Ohio, do hereby certify that I am the custodian of the records of the Office of Attorney Services of the Supreme Court and that the Attorney Services Division is responsible for reviewing Court records to determine the status of Ohio attorneys. I further certify that, having fulfilled all of the requirements for admission to the practice of law in Ohio,

Steven George Janik

was admitted to the practice of law in Ohio on April 30, 1976; has registered as an active attorney pursuant to the Supreme Court Rules for the Government of the Bar of Ohio; is in good standing with the Supreme Court of Ohio; and is entitled to practice law in this state.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed the seal of the Supreme Court, this 20th day of February, 2008.

SUSAN B. CHRISTOFF

*Director, Attorney Services Division*

  
Lee Moore  
*Attorney Registration Specialist*



# THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

February 26, 2008

TO WHOM IT MAY CONCERN:

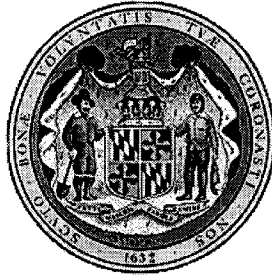
This is to certify that according to the records of the State Bar, STEVEN G. JANIK, #140521 was admitted to the practice of law in this state by the Supreme Court of California on June 6, 1989; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Kath Lambert", is written over a horizontal line.

Kath Lambert  
Custodian of Membership Records

**Court of Appeals  
of Maryland  
Annapolis, MD**



***CERTIFICATE OF GOOD STANDING***

*STATE OF MARYLAND, ss:*

*I, Alexander L. Cummings, Clerk of the Court of Appeals of Maryland,  
do hereby certify that on the third day of June, 1988,*

**Steven G. Janik**

*having first taken and subscribed the oath prescribed by the Constitution and  
Laws of this State, was admitted as an attorney of said Court, is now in good  
standing, and as such is entitled to practice law in any of the Courts of said  
State, subject to the Rules of Court.*

**In Testimony Whereof,** *I have hereunto  
set my hand as Clerk, and affixed the Seal  
of the Court of Appeals of Maryland, this  
twenty-second day of February, 2008.*

A handwritten signature in cursive script, reading "Alexander L. Cummings".

*Clerk of the Court of Appeals of Maryland*



District of Columbia Court of Appeals  
Committee on Admissions  
500 Indiana Avenue, N.W. — Room 4200  
Washington, D. C. 20001  
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

STEVEN G. JANIK

---

was on the 3<sup>RD</sup> day of JUNE, 1988

duly qualified and admitted as an attorney and counselor and entitled to practice before this Court and is, on the date indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on February 25, 2008.

GARLAND PINKSTON, JR., CLERK

By: C. D. Chalk  
Deputy Clerk



# The Supreme Court of Ohio

## C E R T I F I C A T E

I, SUSAN B. CHRISTOFF, Director of the Attorney Services Division of the Supreme Court of Ohio, do hereby certify that I am the custodian of the records of the Office of Attorney Services of the Supreme Court and that the Attorney Services Division is responsible for reviewing Court records to determine the status of Ohio attorneys. I further certify that, having fulfilled all of the requirements for admission to the practice of law in Ohio,

Crystal Lynn Nicosia

was admitted to the practice of law in Ohio on November 08, 2004; has registered as an active attorney pursuant to the Supreme Court Rules for the Government of the Bar of Ohio; is in good standing with the Supreme Court of Ohio; and is entitled to practice law in this state.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed the seal of the Supreme Court, this 20th day of February, 2008.

SUSAN B. CHRISTOFF

*Director, Attorney Services Division*

  
Gai Moore  
*Attorney Registration Specialist*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
TIG INSURANCE COMPANY )

Plaintiff )

v. )

THE FAIRCHILD CORPORATION, et al. )

Defendants .) )

CASE NO. 1:07-cv-08250-(JGK)

ECF case

**ORDER FOR ADMISSION**

**PRO HAC VICE**

**ON WRITTEN MOTION**

Upon the Motion OF Michael C. Modansky, Attorney for Defendant National Union Fire Insurance Company of Pittsburgh PA. and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that

Steven G. Janik and Crystal L. Nicosia  
Janik, Dorman & Winter LLP  
9200 South Hills Blvd., Suite 300  
Cleveland, Ohio 44147  
(440) 838-7600 (phone)  
(440) 838-7601 (fax)  
Steven.Janik@janiklaw.com; Crystal.Nicosia@janiklaw.com

are admitted to practice pro hac vice as counsel for Defendant National Union Fire Insurance Company of Pittsburgh PA, in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. This action is assigned to the Electronic Case Filing (ECF) system. Counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). If not already done, Counsel shall forward the pro hac vice fees to the Clerk of the Court.

Dated: New York, New York  
March \_\_, 2008:

\_\_\_\_\_  
United States District Court Judge.

STATE OF NEW YORK                     )  
  ss:  
COUNTY OF NEW YORK                )

**JENNIFER FODOR**, being duly sworn, hereby deposes and says as follows:

I am not a party to this action and I am over the age of eighteen (18) years and reside in Richmond County, Staten Island, New York.

On March 11, 2008 I served the within MOTION FOR ADMISSION PRO HAC VICE OF STEVEN G. JANIK AND CRYSTAL L. NICOSIA on the attorneys and parties listed below at the addresses designated by said attorneys and parties for that purpose, by depositing a true copy of same enclosed in a post-paid properly addressed wrapper, in a post-office-official depository, under the exclusive care and custody of the United States Postal Service within New York State.

**TO:**

**Carroll, McNulty & Kull**  
570 Lexington Avenue  
New York, New York 10022

**Attention: Eileen De Callies**

**Ganfer & Shore, LLP**  
360 Lexington Avenue, 14<sup>th</sup> Floor  
New York, New York 10017

**Attention: Ira Brad Matetsky**

  
**JENNIFER FODOR**

Sworn to before me this 11<sup>th</sup>  
day of March, 2008

  
**NOTARY PUBLIC**

**MICHAEL J. SLEVIN**  
Notary Public, State of New York  
No. 02SL4873185  
Qualified in Nassau County  
Commission Expires 09/15/2008